

March 27, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, March 27, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Sean Reid, Leigh Ann Loeblein, DeeDee Wright, Mark Perry, Mark Lewis, Jeff Sowers, John Daniels, Jeff Smith, Ken Mowery, Fred Dula, Elaine Stiller

ABSENT: Andy Storey

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of March 13, 2001, were approved as published.

### **RULES OF PROCEDURE**

At last month's meeting, several proposed changes were recommended by the Rules of Procedure committee to Article II, Election of Officers, to clarify when officers are elected and to require that the chairman have at least two years experience as a member of the Planning Board and can only serve as chairman a maximum of two consecutive years. The recommendations come as a motion to approve from the committee. The motion was seconded by Sean Reid and carried unanimously.

### **COMMITTEE REPORTS**

(a) Z-4-01 Hendrix Barbecue, 2488 Statesville Boulevard – Ken Mowery reported for the committee. The owners wish to enlarge the restaurant which would increase the size of the building to more than 2,000 square feet (the maximum size building allowed in B-CS). The current zoning also requires a 20-foot rear yard setback. The owners wish to extend beyond that setback limit. The committee met on site and observed the parking in relation to property lines, adjoining uses, and the lack of landscaping. Cars currently park to the edge of the right-of-way. City Engineer Dan Mikkelson informed the committee that N.C. DOT will take some of the front property as a result of U. S. 70 being widened to a four-lane divided highway. Several Planning Board members indicated at last month's meeting their desire to see some type of landscaping on site. Due to the limited size of the lot, the future highway widening, the desire to see some type of landscaping on the property, the size of the proposed addition, the uncertainty of how many parking spaces will be needed due to the expansion and how many spaces will be lost due to the highway widening, the committee could not come up with a solution, but rather more questions. The committee would like to get more input from the Board members and schedule another committee meeting. A list of eight possible solutions was provided for board members to discuss.

Mark Lewis asked if the owners would have enough parking spaces to accommodate the proposed expansion as well as provide landscaping after DOT widens the road. City staff has not evaluated how many parking spaces he's required to have with his current building size nor how many spaces he would be required to provide with the proposed expansion.

After considerable discussion, staff was directed to determine the number of existing parking spaces and how many spaces the business requires. Mr. Mowery indicated the committee would meet again to consider landscaping requirements and to talk with the owners about applying for the “S” district.

(b) Billboard Committee – Sean Reid gave the committee report and asked staff to present a short program which had been prepared for the committee showing various billboards, areas where billboards are located, which ones would be subject to amortization, a map showing the location of billboards subject to amortization, and various billboards located along federal aid primary highways which cannot be removed without just compensation to the sign owner. The committee is recommending the following: (1) Remove Sign Overlay district “C” (Jake Alexander Blvd. and U. S. 29); (2) Retain Sign Overlay District “B” (I-85); (3) Extend Sign Overlay District “B” to a total width of 800 feet (400 feet from center) (due to current widening of I-85 which takes up most of the present 600-foot overlay district in some areas); and (4) Enact 5½ year amortization schedule for nonconforming billboards which would not require compensation. The committee felt that billboards along the interstate do not create an attractive gateway to Salisbury; however, they can serve a legitimate function and benefit the city in bringing travelers off the highway and into local businesses. The committee did not see this advantage in the billboards located in areas away from the interstate. The committee recommendations come as a motion to approve. The motion was seconded by Fred Dula.

Mark Perry – Has not been an advocate of billboards. The Community Appearance Commission addressed this issue several years ago and discovered that a lot of the billboards do not advertise local businesses, but rather advertise national products, radio stations in other cities, and businesses and shopping centers in other cities. Billboards do not make local businesses successful. What makes them successful are the good services they render to their customers and the quality of products they sell. We ought to have control over the local appearance of the entrance to Salisbury. We need to strictly safeguard this area and try to eliminate the billboards. He suggested letting the Community Appearance Commission look at the committee’s recommendations and see what they think of them.

Sean Reid asked if the committee had discussed reducing the distance allowed between billboards (1,000 feet) to offset the billboards the sign companies will lose. Ken Mowery indicated the committee did discuss this possibility but felt that this would only add more clutter. Mr. Reid stated he saw no use for billboards inside the city.

DeeDee Wright – Agreed with Mark Perry that we should be able to control our environment. She moved that a separate vote be taken on the four recommendations. The motion was seconded by Mark Perry with all members voting AYE.

(1) On the motion to favorably recommend removing sign overlay district “C” (Jake Alexander Blvd. and U. S. 29) – motion carried unanimously.

(2) On the motion to favorably recommend retaining sign overlay district “B” (I-85) – Jeff Smith suggested more restrictions on pylon signs at interstate interchanges. He feels the existing 500 feet from an interchange requirement is too close. Mark Lewis questioned how many signs

will be coming down because of the widening of the interstate. Leigh Ann Loeblein felt this issue needs to go back to the committee to get the specifics on exactly how many signs are presently on Interstate 85 and how many will be removed due to the widening. Jeff Smith moved to refer this recommendation back to the committee to consider several issues brought up at today's meeting. The motion was seconded by Jeff Sowers with five members voting AYE and six members voting NAY. The motion failed. Sean Reid then moved to amend the recommendation for the retention of sign overlay district "B" along Interstate 85 to require that no billboard be located within 1,500 feet of an interchange. Jeff Smith seconded the motion with all members voting AYE for the amendment. The main motion now is to retain sign overlay district "B" with the inclusion that no billboard will be located within 1,500 feet of an interchange. This motion passed with all members voting AYE except Messrs. Perry and Daniels who voted NAY.

(3) On the motion to favorably recommend extending sign overlay district "B" to a total width of 800 feet – motion carried with all members voting AYE except John Daniels who voted NAY and Mark Perry who abstained.

(4) On the motion to favorably recommend enacting 5½ year amortization schedule for nonconforming billboards – motion carried with all members voting AYE except Jeff Smith who voted NAY.

(c) Jake Alexander Boulevard Committee – DeeDee Wright presented the committee report. At the committee meeting, the members considered 18 policies from the new Salisbury 2020 Plan which seemed to be applicable to their study and reinforced the committee's conclusions and recommendations. Senior Planner Harold Poole presented a summary of the committee's activities over the past several months which make up the small area study for the area along Jake Alexander Boulevard from the Salisbury Mall to the railroad tracks. The study includes: (1) applicable Salisbury 2000 Strategic Growth Plan and Salisbury 2020 Comprehensive Plan policies; (2) a formulation of applicable principles to look for in proposed zoning for this area; (3) the zoning component itself; and (4) streetscape improvements. The committee feels this study of Jake Alexander Boulevard is an on-going process, with probably the study of the boulevard from the railroad tracks south to possibly Brenner Avenue coming next. This report comes from the committee with a recommendation to approve. The motion was seconded by Ken Mowery with all members voting AYE.

(d) Legislative Committee – Jeff Sowers reported for the committee. The committee is recommending several zoning text amendments.

The first recommendation deals with the phrase "or fraction thereof," concerning the number of street trees required in the landscape ordinance. When a fraction is involved, the phrase has required the rounding upward to the nearest whole number (2.9 trees, 2.5 or 2.1 trees requires 3 trees). The committee is recommending rounding to the nearest whole number and when the number ends in .5, rounding is to the nearest even number (2.9 trees would be 3 trees, 2.1 trees would be 2 trees, 2.5 trees would be 2 trees, and 3.5 trees would be 4 trees). This comes from the committee as a recommendation to approve. The motion was seconded by Leigh Ann Loeblein with all members voting AYE.

The second recommendation deals with the first sentence of Section 10.03 in the landscape ordinance. The sentence reads as follows: "The provisions of this ordinance shall apply to all uses other than single family and two family residential." The landscape ordinance has been interpreted to mean that landscaping is required between any development in RD-A and RD-B. The proposed wording clarifies conflicting parts of the ordinance and rewrites a section to reflect what has been administered. The net effect would mean no change in the administration of the ordinance. The proposed change would read as follows: "The provisions of this ordinance shall apply to all new construction and development of all uses other than single family and two family residential, except in the RD-A and RD-B districts where applicable landscaping is required around the perimeter of the development." This comes from the committee as a recommendation to approve. The motion was seconded by Jeff Smith with all members voting AYE.

The third recommendation deals with a request for a reduction in the side yard setback in the B-5 district. The current requirement is either zero or four-foot minimum side yard setback in the B-5 Central Business district. A request has been made to reduce the four feet to three feet. The Legislative Committee is opposed to the request feeling that three feet is too close and would become a hazard as well as there being safety and maintenance issues. The recommendation is to deny the request. Randy Hemann, Executive Director of Downtown Salisbury, Inc., was present at the Planning Board meeting and requested that the matter be sent back to the committee due to a misunderstanding of the request. The intent was for the reduction in side yard setback requirements to pertain only when the building was adjacent to an open area such as an easement, alley, dedicated right-of-way, etc. It was the consensus of the Board that this matter should be referred back to the Legislative Committee.

### **ACCESSORY STRUCTURES**

The Development Services Dept. had requested the Planning Board to consider the requirement that accessory structures can only be permitted in the rear yard in residential districts. The question had arisen pertaining to detached carports and detached garages. The Planning Board asked that the matter be referred to the Community Appearance Commission for their input.

The Board received a report from the Community Appearance with six recommendations pertaining to the location of well and pump houses, birdbaths, swings, gazebos, etc. The CAC is recommending that detached garages or carports be allowed in side and rear yards, which is a change from the existing ordinance. Storage sheds and accessory buildings other than garages or carports should still be allowed only in the rear yard. The CAC is also recommending that in-ground swimming pools be allowed in side and rear yards, which would be a change from existing requirements. Above-ground pools would only be allowed in rear yards. It was the consensus of the Board that this matter should be referred back to the Legislative Committee for further study.

### **ZONING TEXT AMENDMENTS**

Senior Planner Harold Poole reviewed with Board members several proposed zoning text amendments which the Planning Board has favorably recommended to City Council. A public hearing on these proposed amendments will be held on April 17, 2001. These amendments

include: directional lighting requirements; elimination of off-site parking; new definitions for RD-A and RD-B; site plan review for square footage and parking spaces; campgrounds ordinance; dumpster screening requirements; activation of landscape ordinance; replacement of “or fraction thereof” for street trees; and clarification of landscape requirements for RD-A and RD-B. Jeff Smith made a motion to reiterate Planning Board’s favorable recommendation on these text amendments. The motion was seconded by Ken Mowery with all members voting AYE.

### **PLANNING CONFERENCE**

Senior Planner Poole reminded Board members of the 44<sup>th</sup> annual N. C. American Planning Association state planning conference being held in Charlotte on May 17 and 18.

### **RECOGNITION**

The terms of office for Board members Mark Lewis, Mark Perry, Jeff Sowers and Andy Storey will expire at the end of this month. Senior Planner Poole presented a Certificate of Appreciation to each member in recognition of their valuable contributions.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary